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OFFICE OF PETITIONS

Helen C. Lockhart
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Boston MA 02210

In re Application of :
Wagner, et al. : DECISION ON PETITION
Application No. 10/811,226 :
Filed: March 26, 2004 :
Atty. Dkt. No.: C1041.70005US01 :

The above-identified application has been forwarded to the Office of Petitions for consideration of the petition to withdraw the holding of abandonment under 37 CFR 1.181 filed November 13, 2007.

The petition under 37 CFR 1.181 to withdraw the holding of abandonment is hereby **DISMISSED**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.181." This is not a final agency decision.

This application became abandoned July 12, 2004 for failure to timely submit a proper reply to the Notice of File Missing Parts of Nonprovisional Application (Notice) mailed April 11, 2004. The Notice set a two month shortened statutory period of time for reply. Notice of Abandonment was mailed September 13, 2007.

The Notice of Abandonment indicates that no response to the Notice was received. Petitioners allege that a reply was timely submitted May 25, 2004. Petitioners indicate a copy of the reply purportedly filed May 25, 2004 is included with the petition. The reply bears a certificate of mailing date of May 25, 2004, in accordance with 37 CFR 1.8. The copy of the reply submitted herewith does not appear to include the "Substitute CRF Sequence Listing Disk" referenced in the copy of the reply.

The record indicates that a reply was received May 27, 2004. The "Substitute CRF Sequence Listing Disk" referenced in the

transmittal letter does not appear in the official application file.

In accordance with 37 CFR 1.8(b)(2), petitioners must supply an additional copy of the previously mailed or transmitted correspondence and certificate. Petitioner's copy of the previously mailed reply is not complete, as it does not include the referenced disk.

Any renewed petition should be accompanied by a complete copy of the previously submitted reply.

Further correspondence with respect to this matter should be addressed as follows:

By mail:

Mail Stop Petition

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450


By facsimile:

(571) 273-8300

By hand delivery:

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Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3205.



Alesia M. Brown
Petitions Attorney
Office of Petitions